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IMPROVING THE LEGAL PROTECTION OF ARTIFICIAL INTELLIGENCE PRODUCTS: AN INTEGRATED MODEL OF CONDITIONAL LEGAL PROTECTION

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Abstract: As a result of the rapid development of artificial intelligence (AI) technologies, the number of products (texts, images, inventions, etc.) created using SI is increasing. In traditional legal systems, there are uncertainties about copyright and the legal status of such products. This article proposes a model of integrated conditional legal protection (IShHH) in order to strengthen the legal protection of products created by Si. The model, based on the principles of ”conditional legal status“ and ”creative management", assumes the division of SI products according to the degree of human participation into auxiliary, semi-autonomous and fully autonomous types. For each type, the appropriate legal status is proportionally determined and innovative legal protection mechanisms are introduced through the institute of “creative curator”, a special registry, as well as arbitration mechanisms.

Keywords: artificial intelligence product, copyright, conditional legal status, creative management, creative curator, legal protection.

Introduction. With the help of artificial intelligence technologies, in many areas where human creative activity was previously required, text, drawing, musical composition, or even scientific discoveries are now automatically created. Products created in this way pose new questions to the traditional intellectual property rights system: for example, who will be the author of such works, in what order their copyright protection will be carried out, or who will be responsible for the damage caused by the product. Many current national and international legal norms recognize only human authorship and creativity. For example, in the judicial practice of the European Union, it is argued that works created entirely and independently are not protected by copyright, since they lack human creative input (1). Similarly, the US Copyright Office noted that a work created entirely by artificial intelligence cannot claim copyright, only this a part can receive protection if a sufficient creative contribution of a person is made to it.

In the legislation of Uzbekistan, copyright is also granted only in relation to human creativity – for example, according to the Law of the Republic of Uzbekistan “on Copyright and Related Rights”, the author of a work can only be an individual, and artificial intelligence is not mentioned as a “creative” subject. Since the current legislation does not define the legal status of the creator or product of Si, the legal protection of content created using SI is unclear. This, in turn, leads to a serious legal gap in the commercialization of such products, the implementation of copyrights and dispute resolution. In the case when the authorship of works created with the participation of si has not been established, for example, who commercialized

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them, it is quite natural for difficulties to arise in matters of concluding contracts or liability for offenses.

Currently, active research is underway worldwide on the legal regulation of artificial intelligence products. Dialogues on the topic "artificial intelligence and intellectual property" have been organized within the framework of the World Intellectual Property Organization (WIPO), and an exchange of views continues between states on the authorship of works created by AI. And in the European Union, in 2023, for the first time in history, a comprehensive artificial intelligence procedure (AI Act) was adopted, aimed at various levels of risk. At the same time, a special EU directive on liability for artificial intelligence was drafted, which provides for legal mechanisms to facilitate compensation for damage caused by artificial intelligence systems (3). The EU Directive on liability for existing products was also revised, and norms such as the liability of an artificial intelligence developer as a "product developer" were introduced. Although these changes are aimed at strengthening the legal protection of persons affected by artificial intelligence, on the other hand, one of the issues that has not yet been resolved at the EU legislative level is the copyright status of works created using artificial intelligence. The European authorities plan to develop appropriate regulations, recognizing the need for legal regulation of copyright issues in the context of artificial intelligence.

Thus, the improvement of legal protection mechanisms for artificial intelligence products has become an urgent issue. This article aims to address this issue and proposes a new model called Integrated Conditional Legal Protection (Ishh). The main idea of the model is to establish the legal status of works and products created by artificial intelligence conditionally, that is, differentially depending on human participation in their creation, as well as to introduce the principle of creative management. This approach is innovative and aims to fill existing gaps in the legal protection of artificial intelligence products, while preserving the human factor in an integrated way. The following parts of the article describe the theoretical foundations of this model, the applied research methods, the results obtained and their discussion, as well as the conclusions.

- **Methodology.** In this study, methods of legal analysis and comparative comparison were used. First of all, foreign experience and international norms on the copyright legal status of products created by artificial intelligence were studied, which were comparative analyzed by the legislation of Uzbekistan. In particular, WIPO materials, EU documents on artificial intelligence, as well as the experience of certain countries (such as the United Kingdom and China) were analyzed in terms of the point of legal status. The study harmonized the methods of analysis, doctrinal approach and comparison of the content of regulatory legal acts. At the same time, in the development of the conceptual framework of the IShHH model proposed by the author, a scientific-theoretical approach was used, as well as analytical methods such as the classification of artificial intelligence products into classes. SI products were divided into auxiliary, semi-autonomous and fully autonomous categories, and the current state and needs of each were analyzed separately. The resulting scientific conclusions and proposals were compared with the legal and regulatory framework, on the basis of the practical significance of the model.

- **Results.** According to the model of integrated conditional legal protection (IShHH), artificial intelligence products are divided into three main categories, depending on the level of

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human participation in their creation: auxiliary, semi-autonomous and fully autonomous products. This classification makes it possible to define the legal status for each category in a proportional (proportional) way, that is, the higher the human creative contribution, the more complete copyright protection the work has; conversely, when the Independent share of artificial intelligence is higher, legal protection is given in a conditional and limited form.

- * Auxiliary SI products. This category includes cases where artificial intelligence acts only as an instrument (weapon, medium). That is, when creating a work, a person is creative, and SI performs only an auxiliary function (for example, text editing, gathering information or as a simple generative tool). The work created in this situation should be fully copyrighted in the traditional order, since it is actually considered the "product of the author's own mental creation". In the IShHH model, no particular conditional status is required for auxiliary type SI works – they are the object of copyright in the usual order, and a person (the person who created the initial idea or made creative decisions) is recognized as the author. This approach is also consistent with foreign practice; for example, in the United States such works may receive copyright protection if the SI is only a tool and the work has sufficient human creative decision.

- • **Semi-autonomous SI products.** This category includes works created by the collaboration of artificial intelligence and human creator. In this case, artificial intelligence generates a certain degree of independent content, but there is a human assignment, control or final editing. For example, a person gives a number of creative instructions (prompts) to the artificial intelligence model and creatively selects, integrates, or edits the resulting results. In this case, the authorship and originality of the work will depend on both man and artificial intelligence. In accordance with the IShHH model, a conditional legal status is introduced for semi-autonomous works: that is, copyrights are assigned to the human creator, but due to the large contribution of artificial intelligence, these rights are strengthened by some restrictions and conditions. For example, when registering semi-autonomous works as an object of copyright, it is proposed that the work is created with the participation of artificial intelligence and is recorded in a special register (below, the registry mechanism is covered in detail). This conditional status serves to more accurately determine the origin of the work in future disputes or questions about authorship, while copyrighting the work. The approach to semi-autonomous works is partially similar to foreign experience: for example, some countries recognize copyright in works from the result of human-SI cooperation, but carry out the assessment on a case-by-case basis due to the requirement of traditional "creative contribution". In the IShHH model, however, this process is institutionally established and legal clarity is increased.

- • **Fully autonomous SI products.** This category includes works created independently by the artificial intelligence system, without the direct creative contribution of a person. Current legal norms do not usually protect such works by copyright, since they do not contain "the author's personal creative contribution". The IShHH model, on the other hand, offers conditional legal status as a separate mechanism in such cases so as not to leave the work without intact legal protection. According to him, if a completely autonomous work created by artificial intelligence is created without human creativity, its legal status is determined through a new concept called "conditional authorship". In this case, a person or organization is appointed as the creative curator of the work, and it is this subject who receives the status of the "responsible author" for the work before the law. The curator in question registers the work created by artificial intelligence in a special register, documents information such as the origin

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of the work, the time of its creation, the SI technology used. Only then can this work be conditionally subject to copyright protection. Conditional copyright, unlike normal copyright, only takes effect when certain conditions are met (e.g., included in the register), and its validity period, size, may be limited. Such an approach also gives a certain degree of legal protection to artificial intelligence products, but at the same time also takes into account the fact that the work is not created by man. It should be noted that some countries are applying specific approaches to such situations: for example, in the United Kingdom, a program or an ordering person is recognized as an "author" for computer-generated works, and protection is issued in a limited order. The conditional legal status offered under the IShHH model includes the same but more extensive institutional measures (detailed below).

- The proposed model provides for the introduction of a set of legal and organizational mechanisms for effective functioning. The main ones are the Institute of creative curators, The Register of artificial intelligence products and a special arbitration mechanism. These elements serve to ensure the principle of" creative management", that is, the integration of artificial intelligence creativity into the legal environment under human control and management.

- * **Creative curator Institute.** In the IShHH model, a" creative curator " is defined as a person (or organization) responsible for works created by artificial intelligence. The task of the curator is to officially adopt the product created by SI, assess its degree of originality, edit or filter it if necessary, and then implement the rights on this work. Legally, the person of the creative curator is given the status of a conditional author. This means that although the curator is not directly creative in creating the work, the law recognizes him as the owner of limited rights over the work. It is on the name of the curator that the work is registered, the implementation of copyright (for example, licensing, author marking) is performed by the curator. In return, the curator also takes on certain obligations: for example, checking the originality of the work and the absence of illegal elements (plagiarism or others), responding to claims over the work when the need arises. Thus, the curator, on the one hand, takes legal ownership of the work (as an authorized person), and on the other hand also assumes responsibility for it. This approach is also consistent with the EU principles of responsibility for AI damage – for example, according to the newly adopted norms of the EU, the person providing the AI system (provider) is set to be equated to the manufacturer of the product and responsible for the damage. The creative curator applies exactly this principle of" human responsibility " to the field of copyright (4). At this point, it should be noted that in the legislation of Uzbekistan there is already a similar construction on the example of cinema works: according to the current law, the copyright of cinema works can be granted to a film producer (legal entity). Hence, the concept of a non-author subject owning a copyright is not alien to local law. The Institute of curators in the IShHH model applies this approach to artificial intelligence products.

* Register of artificial intelligence products. Another important element of the legal protection of works created by SI is the introduction of a special register. This National Register operates as a database that serves to list all works and inventions created by artificial intelligence. If the creative curator wants to copyright an artificial intelligence product, he will first need to register this work in the register. When registering, detailed information about the work is entered: date of creation, name of an artificial intelligence program or model, version, information about the applied database or preparatory model, name of the curator (person in

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charge), etc. The introduction of this register gives several positive results. First, it becomes easier to prove the fact and timing of the creation of an artificial intelligence work (which, for example, can be an important argument in copyright disputes in court). Second, the work's creation by artificial intelligence would be openly documented, making their subsequent legal treatment transparent. Thirdly, it becomes possible to verify the rights of other authors through the registry data – for example, in the process of inclusion in the register, the curator may be obliged to confirm that the structure of the work does not contain copyrighted elements of third parties. Through this, the Prevention of plagiarism and offenses is achieved. The idea of setting up a special register is also consistent with the activities of international platforms related to intellectual property: for example, WIPO offers various objects (patent, brand, etc.k.) online registration systems exist and are globally integrated. At the national level, the Register of works of SI, on the other hand, can also set the stage for international recognition and protection of artificial intelligence products by exchanging information with similar bases of other countries in the future.

* Arbitration mechanism. The introduction of a special arbitration or mediatorship mechanism for conflict resolution on artificial intelligence products is another significant component of the IShHH model. As you know, disputes related to artificial intelligence (for example, copyright problems, offenses, liability issues) can be very complex and have technical details (5). In the traditional judicial system, it is likely that the consideration of such disputes will take a lot of time and resources, as well as that the technological knowledge of the judges will not be enough. Therefore, according to the proposed model, a special arbitration board is formed to consider disputes related to artificial intelligence products. This board includes experts in intellectual property law, experts in artificial intelligence technology, and representatives of other fields depending on the need. The arbitration process is carried out in compliance with the principles of justice, but on the basis of simplified and quick procedures. The parties may voluntarily agree to consider the dispute in this arbitration, or the legislation may place such disputes in the category applicable to arbitration in a binding manner. The special arbitration mechanism provides speed and competence in resolving disputes in the field of artificial intelligence, resulting in an increase in the effectiveness of legal protection of copyright objects. In addition, the practice that is formed through arbitration decisions can also serve as methodological assistance to the courts in the future. When taken at the international level, the arbitration and Mediation Center under WIPO specializes in resolving intellectual property disputes and also covers issues related to artificial intelligence. Therefore, it is desirable that the arbitration mechanism, which is organized at the national level, also works in cooperation with international bodies such as WIPO, attracting international experience.

The institutional elements described above – curator, register and arbitration-serve to practically ensure the principle of “Creative Management”. According to this principle, human control and control over the process of creation by artificial intelligence and its results are established. As a result, no matter how autonomously artificial intelligence operates, its products cannot be deprived of human responsibility and legal support. Such an approach on the one hand does not interfere with the full use of the creative capabilities of artificial intelligence, and on the other hand reduces legal uncertainty and concerns (6).

Discussion. The proposed IShHH model manifests itself as an innovative and balanced approach to the legal protection of artificial intelligence products. Its innovativeness is that

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where traditional law recognizes only human creativity, this model brings artificial intelligence creativity into the legal arena, albeit indirectly. At the same time, the model leaves the human factor in the center – that is, the control of legal responsibility and creativity is still assigned to the human representative (creative curator). This approach is consistent with current international trends, as it has been observed that the world community is in favor of giving artificial intelligence the status of an independent subject of law and assigning responsibility and rights to humans. For example, although the European Parliament has previously considered proposals to give artificial intelligence the status of an "electronic person", in practice the direction of attributing legal responsibility to humans has remained a priority. The IShHH model also builds on this same principle by mediating the legal treatment of works created by artificial intelligence through a human-curator.

Considering the comparative advantages of the model, it covers several problems at once. First of all, it fills the gap in copyright: fully autonomous SI works can also now have legal protection, albeit conditionally. This in turn encourages innovators and creators to create new works through the SI, as their labor and resources are under legal protection without being wasted. At the same time, the model does not violate even the basic principles of copyright – because still an element of human approval and responsibility is being introduced for each work. For example, the criterion Sina (noted in the Infopaq work), which is required in European law "the work of the author is the product of his own mental creativity", is satisfied in our model through the curator: the curator confirms his creative value in the process of receiving and formalizing the work (7).

In addition, the IShHH model increases legal accuracy and predictability. In its current state, the introduction of the product created by artificial intelligence into commercial circulation or doing business using it poses a great legal risk – since the identity of its author is unknown, its legal status is abstract. The proposed model provides a clear solution to the issue: through the curator and register mechanism, the "legal passport" of each work appears. This saves not only authorship, but also responsibility in the necessary cases from being left without an addressee. For example, if a work created by artificial intelligence violates someone's copyright or if there is content that goes against the public order, the curator is held accountable. Thus, the IShHH model also protects the interests of society, since artificial intelligence does not function "faceless" – there is always one responsible subject behind it.

When we dwell on the issue of compliance of the model with international norms, it is mainly aimed at adapting the current legal principles to the new conditions. Discussions within WIPO suggest that most states are cautious about developing a separate legal regime for works created by artificial intelligence, but at the same time acknowledge the existence of a problem. While Yei's initiatives such as AI Act and AI Liability Directive are primarily aimed at protecting individuals affected by AI, our model complements this approach by focusing on the self-defense of AI products. The two approaches can complement each other: e.g., Yei's liability norms make it easier for those affected by artificial intelligence to receive compensation, while the IShHH model provides legal procedures around works created by artificial intelligence, such works reduce the number of conflicts caused or simplify their resolution.

Of course, there may also be certain difficulties in applying the proposed model to the implementation. In particular, in order to introduce the Institute of" creative curator", it is

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required to include clear concepts and criteria in the legislation (for example, who can become a curator, what are their rights and obligations, the criterion for assessing the contribution of the curator to the work, etc.). Also, technical-infrastructure and qualified personnel will be necessary for maintaining a register. And how the arbitration system interacts with the judicial system (the recognition of arbitration decisions by the courts, the possibility of annulment, etc.k.) it is necessary to develop legal procedures. However, if these difficulties are solved, the necessary conditions are created for the effective operation of the model.

Conclusion. Products created by artificial intelligence are setting new tasks for intellectual property law in today's digital age. The Integrated conditional legal protection model proposed in this article will take the field as a compromise solution in the legal protection of artificial intelligence products. While the principle of "conditional legal status", lying on the basis of the Model, allows you to determine the legal status of the work based on the degree of artificial intelligence participation, the principle of "creative management" retains the role of control and responsibility of a person. The results of the study showed that by introducing the IShHH Model: 1) works created by artificial intelligence are also covered in the field of legal protection; 2) copyright uncertainties are eliminated and legal guarantees are created for creators and innovators; 3) the system of conflict resolution associated with artificial intelligence products is improved; 4) national legislation is updated in accordance with international trends. The theoretical foundations and comparative analysis of the model show that it can and is practically introduced. In place of the conclusion, it is worth noting that it is an urgent task to find a balance between the effective implementation of achievements in the field of artificial intelligence and the provision of intellectual property protection. It is expected that such approaches as IShHH will help to achieve this very balance, create a solid legal framework for innovation related to artificial intelligence in the Uzbek legal system.

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